not listed either have not expressed an interest in issuing supplemental agency ethics regulations, have indicated to OGE that they are no longer interested in a further grace period extension, did not file draft supplemental standards regulations with OGE by January 25, 1995, or have already issued final or interim final supplemental standards.

The Office of Government Ethics notes that it is not by this rulemaking setting a deadline for agencies to submit supplemental ethics regulations. Agencies can, with OGE concurrence and co-signature, issue supplementals at any time. Further, they can, at any time, have new title 5 CFR chapters reserved through OGE and OFR for such purpose if they have not already done so.

Moreover, if an agency's prohibited financial interest (and/or prior approval) restrictions are based on a separate statute, they are not superseded by the 5 CFR part 2635 executive branch-wide standards. If any related regulatory provisions were located in its old agency standards of conduct, the agency concerned could, after consultation with OGE, retain them in their existing place in the agency's own CFR title and chapter or move the provisions to another appropriate part of its regulations. See 5 CFR 2635.105(c)(3). Only prior standards of conduct provisions that are purely regulatory in nature are subject to supersession from the executive branch-wide regulation at 5 CFR part 2635, with entitlement to the successive grace periods for the two enumerated types of provisions as provided in the further amended notes at §§ 2635.403(a) and 2635.803 as well as appendixes A and B.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking and 30-day delay in effectiveness as to this grace period extension. The notice and delayed effective date are being waived because this rulemaking concerns a matter of agency organization, practice and procedure. Furthermore, it is in the public interest that those agencies concerned have adequate time to promulgate successor provisions to their existing standards of conduct regulations in these two areas without a lapse in necessary regulatory restrictions.

Executive Order 12866

In promulgating this grace period extension technical amendment, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This amendment has not been reviewed by the Office of Management and Budget under that Executive order, as it is not deemed ''significant'' thereunder.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rulemaking does not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2635

Conflict of interests, Government employees.

Approved: January 27, 1995.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, pursuant to its authority under title IV of the Ethics in Government Act and Executive Orders 12674 and 12731, the Office of Government Ethics is amending 5 CFR part 2635 as follows:

PART 2635—[AMENDED]

1. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

2. The notes following both §§ 2635.403(a) and 2635.803 are amended by adding a new sentence at the end of each to read as follows:

Note: * * * Provided further, that for those agencies listed in appendix B to this part, the grace period for any such existing provisions shall be further extended for an additional eleven months until January 3, 1996 (for a total of two years and eleven months after the effective date of this part) or until issuance by each individual agency concerned of a supplemental regulation, whichever occurs first.

3. A new appendix B is added at the end of part 2635 to read as follows:

Appendix B to Part 2635—Agencies Entitled to a Further (Second) Grace Period Extension Pursuant to Notes Following §§ 2635.403(a) and 2635.803

1. Department of the Treasury
2. Federal Deposit Insurance Corporation
3. Department of Energy
4. Federal Energy Regulatory Commission
5. Department of the Interior
6. Department of Commerce
7. Department of Justice
8. Federal Communications Commission
9. Farm Credit Administration
10. Securities and Exchange Commission
11. Office of Personnel Management
12. Thrift Depositor Protection Oversight Board
13. United States Information Agency
14. Occupational Safety and Health Review Commission
15. Department of State
16. Department of Labor
17. National Science Foundation
18. Small Business Administration
19. Department of Health and Human Services
20. Federal Labor Relations Authority
21. Department of Transportation
22. Pension Benefit Guaranty Corporation
23. Export-Import Bank of the United States
24. Department of Education
25. Environmental Protection Agency
26. National Transportation Safety Board
27. General Services Administration
28. Board of Governors of the Federal Reserve System
29. United States Postal Service
30. National Labor Relations Board
31. Equal Employment Opportunity Commission
32. Resolution Trust Corporation
33. Department of Housing and Urban Development
34. National Archives and Records Administration
35. Peace Corps
36. Tennessee Valley Authority
37. Consumer Product Safety Commission
38. Executive Office of the President
39. Department of Agriculture
40. Federal Mine Safety and Health Review Commission
41. Office of Management and Budget
42. Agency for International Development

[FR Doc. 95–2597 Filed 2–1–95; 8:45 am]

BILLING CODE 6345–01–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[FV94–985–4FIR]

Spearmint Oil Produced in the Far West; Revision of the Salable Quantities and Allotment Percentages for ''Class 1'' (Scotch) and ''Class 3'' (Native) Spearmint Oil for the 1994–95 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of two interim final rules increasing the quantities of ''Class 1'' (Scotch) and ''Class 3'' (Native) spearmint oil produced in the Far West that handlers may purchase from, or handle for, producers during the 1994–95 marketing year. This rule was recommended by the Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West. The Committee recommended this rule to avoid extreme fluctuations in supplies and prices and thus help to maintain stability in the Far West spearmint oil market.

EFFECTIVE DATE: March 6, 1995.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 S.W. Third Avenue, Room 369, Portland, Oregon 97204–2807; telephone: (503) 326–2724; or Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, D.C. 20090–6456; telephone: (202) 720–8139.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 985 [7 CFR part 985], regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of California, Nevada, Montana, and Utah). This marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 USC 601–674], hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This final rule finalizes increases in the quantities of ''Class 1'' and ''Class 3'' spearmint oil produced in the Far West that may be purchased from or handled for producers by handlers during the 1994–95 marketing year, which ends on May 31, 1995. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 8 spearmint oil handlers subject to regulation under the marketing order and approximately 260 producers of spearmint oil in the regulated production area. Of the 260 producers, approximately 160 producers hold ''Class 1'' (Scotch) spearmint oil allotment base, and approximately 145 producers hold ''Class 3'' (Native) spearmint oil allotment base. Small agricultural service firms have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A minority of handlers and producers of Far West spearmint oil may be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity and whose income from farming operations is not exclusively dependent on the production of spearmint oil. The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the marketing order). Spearmint oil is also produced in the Midwest. The production area covered by the marketing order normally accounts for 75 percent of the annual U.S. production of spearmint oil.

The salable quantity is the total quantity of each class of oil that handlers may purchase from, or handle for, producers during a marketing year. The salable quantity calculated by the Committee is based on the estimated trade demand. The total salable quantity is divided by the total industry allotment base to determine an allotment percentage. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

This final rule finalizes two interim final rules that increased the quantities of the Scotch and Native classes of spearmint oil that handlers may purchase from, or handle for, producers during the 1994–95 marketing year, which ends on May 31, 1995.

The initial salable quantities and allotment percentages for the Scotch and Native classes of spearmint oil for the 1994–95 marketing year were recommended by the Committee at its October 6, 1993, meeting. The Committee recommended salable quantities of 723,326 pounds and 897,388 pounds, and allotment percentages of 41 percent and 46 percent, respectively, for the Scotch and Native classes of spearmint oil. A proposed rule to implement the Committee's October 6, 1993, recommendation was published in the December 21, 1993, issue of the **Federal Register** [58 FR 67378]. Comments on the proposed rule were solicited from interested persons until January 20, 1994. No comments were received. Accordingly, based upon analysis of available information, a final rule

establishing the Committee's recommendation as the salable quantities and allotment percentages for the Scotch and Native classes of spearmint oil for the 1994–95 marketing year was published in the March 16, 1994, issue of the **Federal Register** [59 FR 12151].

At its June 14, 1994, teleconference meeting, the Committee unanimously recommended that the salable quantity and allotment percentage for Native spearmint oil for the 1994–95 marketing year be increased. The Committee recommended that the Native spearmint oil salable quantity be increased from 897,388 pounds to 1,092,577 pounds, and that the allotment percentage, based on a revised total allotment base of 1,951,032 pounds, be increased from 46 to 56 percent resulting in a 195,189 pound increase in the salable quantity.

An interim final rule incorporating the Committee's June 14, 1994, recommendation was published in the August 26, 1994, **Federal Register** [59 FR 44028]. Comments on the interim rule were solicited from interested persons until September 26, 1994. No comments were received.

Pursuant to authority contained in §§ 985.50, 985.51, and 985.52 of the marketing order, at its October 5, 1994, meeting, the Committee recommended by a unanimous vote to increase the salable quantity and allotment percentage for Scotch spearmint oil. The Committee also recommended by a 10 to 1 vote to again increase the salable quantity and allotment percentage for Native spearmint oil. The person voting in opposition favored a smaller increase in the salable quantity and allotment percentage for Native spearmint oil.

Specifically, the Committee recommended that the salable quantities and allotment percentages for Scotch and Native classes of spearmint oil for the 1994–95 marketing year be increased from 723,326 pounds to 811,516 pounds, and from 1,092,577 pounds to 1,287,680 pounds, respectively. Based on a revised total allotment base of 1,763,795 pounds, the allotment percentage for Scotch spearmint oil was increased from 41 percent to 46 percent, resulting in an 88,190 pound increase in the salable quantity. Further, based on the same revised total allotment base published in the August 26, 1994, **Federal Register** [59 FR 44028] the allotment percentage for Native spearmint oil was increased from 56 percent to 66 percent, resulting in a 195,103 pound increase in the salable quantity.

An interim final rule incorporating the Committee's October 5, 1994, recommendation was published in the October 31, 1994, **Federal Register** [59 FR 54376]. Comments on the interim final rule were solicited from interested persons until November 30, 1994. No comments were received.

SCOTCH SPEARMINT OIL RECOMMENDATIONS

	Oct. 6, 1993	Oct. 5, 1994
(1) Salable Quantity	723,326	811,516
(2) Total Allotment Base	1,764,209	1,763,795
(3) Allotment Percentage	41	46

NATIVE SPEARMINT OIL RECOMMENDATIONS

	Oct. 6, 1993	June 14, 1994	Oct. 5, 1994
(1) Salable Quantity	897,388	1,092,577	1,287,680
(2) Total Allotment Base	1,950,843	1,951,032	1,951,032
(3) Allotment Percentage	46	56	66

In making this recommendation, the Committee considered all available information on supply and demand. As of October 5, 1994, the Committee reported that of the respective 1994–95 Scotch and Native spearmint oil salable quantities of 723,326 pounds and 1,092,577 pounds, approximately 116,000 pounds and 87,000 pounds, respectively, remained available for handling. Handlers indicated, however, that demand may approximate 200,000 pounds of Scotch spearmint oil, and 300,000 pounds of Native spearmint oil for the remainder of this marketing year. This level of demand was not anticipated by the Committee when it made its initial recommendation for the establishment of the Scotch and Native spearmint oil salable quantities and allotment percentages for the 1994–95 marketing year, nor was it foreseen when the Committee made its June 14, 1994, recommendation for an increase in the Native spearmint oil salable quantity and allotment percentage.

The recommended salable quantity of 811,516 pounds of Scotch spearmint oil (an increase of 88,190 pounds), combined with the actual June 1, 1994, carry-in of 145,809 pounds, resulted in a revised 1994–95 available supply of 957,325 pounds. Similarly, the recommended salable quantity of 1,287,680 pounds of Native spearmint oil (an increase of 195,103 pounds), combined with the revised June 1, 1994, carry-in of 19,139 pounds, resulted in a revised 1994–95 available supply of 1,306,819 pounds. The revised available supplies of the Scotch and Native classes of spearmint oil, respectively, are approximately 67,000 pounds and 227,000 pounds higher than the respective annual average of sales for the past five years. The Committee anticipates that foreseeable demand for both classes of oil will be adequately met with the recommended increase.

The Department, based on its analysis of available information, has determined that allotment percentages of 46 percent and 66 percent, respectively, should be established for the Scotch and Native classes of spearmint oil for the 1994–95 marketing year. These percentages will provide an increased salable quantity of 811,516 pounds of Scotch spearmint oil and an increased salable quantity of 1,287,680 pounds of Native spearmint oil.

Based on available information, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including that contained in the prior proposed, final, and interim final rules in connection with the establishment of the salable quantities and allotment percentages for the Scotch and Native classes of spearmint oil for the 1994–95 marketing year, the Committee's recommendation and other available information, it is found that finalizing the changes to section 985.213 that increased the salable quantities and allotment percentages for the Scotch and Native classes of spearmint oil, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

Accordingly, the interim final rule amending 7 CFR part 985 which was published at 59 FR 44028 on August 26, 1994, and amended by an interim final rule published at 59 FR 54376 on October 31, 1994, is adopted as a final rule without change.

Dated: January 27, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–2582 Filed 2–1–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 997

[Docket No. FV94–997–1FIR]

Assessment Obligations for Non-signatory Handlers; Peanut Handlers Not Subject to Peanut Marketing Agreement No. 146

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, with modifications, the provisions of an interim final rule implementing administrative assessments on handlers who are not signatory (non-signatory handlers) to Peanut Marketing Agreement No. 146 (Agreement). The interim final rule provided notice that the Department would begin assessing non-signatory handlers during the 1994–95 crop year. However, because of an unforeseen delay in installing an assessment collection database, the Department will not begin assessing non-signatory handlers until the 1995–96 crop year. The postponement will allow the installation to be completed and all affected handlers to be notified prior to the beginning of the 1995–96 crop year will be established by the Department in the spring of 1995.

EFFECTIVE DATE: March 6, 1995.

FOR FURTHER INFORMATION CONTACT: Richard Lower or Mark Slupek, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2020, FAX (202) 720–5698.

SUPPLEMENTARY INFORMATION: This final rule is issued pursuant to the requirements of the Agricultural Marketing Agreement Act of 1937 (Act), as amended [7 U.S.C. 601–674], and as further amended December 12, 1989, Public Law 101–220, section 4 (1), (2), 103 Stat. 1878, and August 10, 1993, Public Law 103–66, section 8b(b)(1), 107 Stat. 312.

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. The Department will establish a 1995–96 crop year assessment rate applicable to non-signatory handlers effective July 1, 1995–June 30, 1996. Segregation 1 farmers stock peanuts received or acquired by non-signatory handlers during that crop year will be subject to the assessment. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this final rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

There are approximately 45 handlers of peanuts who have not signed the Agreement and, thus, will be subject to the regulations specified herein. The Small Business Administration defines small agricultural service firms [13 CFR 121.601] as those having annual receipts of less than $5,000,000 and small agricultural producers as those whose annual receipts are less than $500,000. A majority of non-signatory handlers and peanut producers may be classified as small entities.

Since aflatoxin was found in peanuts in the mid-1960's, the domestic peanut industry has sought to minimize aflatoxin contamination in peanuts and peanut products. The Agreement was established in 1965 and plays a very important role in the industry's quality control efforts. The Peanut Administrative Committee (Committee) was established by the Agreement and works with the Department in administering the marketing agreement program. Approximately 95 percent of the area peanut crop is marketed by handlers who are signatory to the Agreement. Requirements established pursuant to the Agreement provide that farmers stock peanuts with visible *Aspergillus flavus* mold (the principal source of aflatoxin) must be diverted to non-edible uses. Each lot of shelled peanuts and certain cleaned inshell peanuts destined for edible channels must be officially sampled and chemically tested for aflatoxin by the Department or in laboratories approved by the Committee.

Public Law 101–220, enacted December 12, 1989, amended section 608b of the Act to require that all peanuts handled by persons who have not entered into the Agreement (non-signers) be subject to quality and inspection requirements to the same extent and manner as are required under the Agreement. Approximately 5 percent of the U.S. peanut crop is marketed by non-signer handlers.

Under the non-signer provisions, no peanuts may be sold or otherwise disposed of for human consumption if the peanuts fail to meet the quality requirements of the Agreement. Regulations to implement Pub. L. 101–220 were made effective on December 4, 1990 [55 FR 49980], and amended several times thereafter, and are published in 7 CFR part 997. All such amendments were made to ensure that the non-signer handling requirements remain consistent with modifications to the handling requirements applied to signatory handlers under the Agreement. The most recent amendment was published on August 30, 1994 [59 FR 44610].

Public Law 103–66 [107 Stat. 312], enacted August 10, 1993, provides for mandatory assessment of farmer's stock peanuts acquired by non-signatory peanut handlers. Under this law, paragraph (b) of section 1001, of the Agricultural Reconciliation Act of 1993, specifies that: (1) Any assessment (except indemnification assessments) imposed under the Agreement on signatory handlers also shall apply to non-signatory handlers, and (2) such assessment shall be paid to the Secretary.

This rule will add new permanent § 997.51 Assessments to part 997—Provisions Regulating the Quality of Domestically Produced Peanuts Handled by Persons Not Subject to the Peanut Marketing Agreement. Notice of the actual assessment rate established for each crop year will be issued as a new section as an Implementing Regulation beginning with § 997.100 Assessment rate, and be sequentially numbered each succeeding year. Because of the Department's decision to postpone the imposition of assessments on non-signatory handlers until the 1995–96 crop year, an assessment rate